

AP20 Rec'd PCT/PTO 04 MAY 2006

Re Point III.

1. Method claims 1 to 5 relate to a substantive matter for which a search has not needed to be carried out (PCT Rule 39).
 - 1.1 Method claims 1-5 seek protection for a configuration method for automation installations, which in itself is a pure administrative activity within the meaning of PCT Rule 39.1(iii), using the technical features of a "database" to store data (claim 1), and also the connection of the database to the "Internet" (claim 5).
 - 1.2 Since the claimed subject matter presents either only non-technical substantive matters of this type or generally known features for the technological realization thereof (for example database, Internet), the search examiner was unable to identify a technical problem, the solution to which might involve an inventive step. It was therefore not possible to carry out a meaningful search of the prior art (PCT Article 17(2)(a)(i) and (ii); PCT International Search Guidelines, Chapter 9).
- 2.1 A configuration method for automation installations is in itself a pure administrative activity within the meaning of PCT Rule 67.1(iii) for which there is no need to carry out an international examination.
- 2.2 If the method claimed is intended to be interpreted as a computer-implemented method - which would still need to be proved - then the closest prior art would presumably be a computer-implemented method for storing data in a database, with a user being able to obtain a copy of said data; this database would be connected via the Internet - in view of claim 5.

The possibility of storing data in a database and providing users with a copy of them can be regarded as generally known at the priority date of the application (4.11.2003) and requires no proof in its general form, as was established in the case of "office automation" using networked computers by the Board of Appeal in the Ricoh decision T 0172/03 in paragraph 18. Networking a database via the Internet is likewise considered general

knowledge. It is probably out of the question that networked databases and databases connected via the Internet were known at the time of priority.

- 2.3 The difference from the prior art would obviously be the storage of configuration data in the database and the remuneration for storage of the data by means of denominations.

The examiner dealing with the case cannot see any technical difference in the storage of data and the storage of configuration data, or in the provision as a copy. In both cases, the aim is to save the data and make them available again by storing them. Processing different data to the extent defined does not result in any difference from the prior art described in paragraph 2.2.

The remuneration for the provision of configuration data does not involve any technical features which define a technical solution to a technical problem, but rather is an administrative organizational or business solution to a non-technical problem.

The examiner dealing with the case is of the opinion that the method claimed does not meet the requirement of novelty over the method described in paragraph 2.2 (PCT Article 33(2)).

- 2.4 A computer-implemented method for configuring automation installations involves the automation of an administrative method with the aim of simplified interchange of configuration data between users. This is the sense and purpose of storing data in a database. Although the solution proposed by the method claimed may involve the use of general technical features, these do not interact to solve an overall technical problem, but rather are used merely for their respective known functions.

- 2.5 If there should nevertheless be a technical difference from the prior art described which has a technical action and likewise results in a technical problem being solved, then a claimed subject matter of this type would presumably not be inventive and would therefore not meet the requirements of PCT Article 33(3). A person skilled in the art of information processing systems is fully aware that data can be stored in databases such that they

can be provided in the form of a copy. Different access options and rights are known to a person skilled in the art. The ability to store configuration data in this manner too requires no inventive step from a person skilled in the art. The subject matter claimed would therefore not meet the requirements of PCT Article 33(3).

3. Pursuant to PCT Rule 66.2.a(vi), the applicant is advised that an international examination cannot be carried out because the substantive matter claimed relates to a subject matter for which no international search has been performed. Since a search has not been performed in the present case, an international examination cannot be carried out even if amended claims are submitted (PCT Rule 66.1(e) and Rule 70.2(d)).